

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ROY LE DESMA, Plaintiff;	§	CIVIL ACTION NO. A-13-CV-131-LY
	§	
	§	
	§	
V.	§	
	§	
	§	
R.E. MASSEY, JR., INC. d/b/a SCHLOTZSKY DELI OF MARBLE FALLS and ROY E. MASSEY; Defendants.	§	
	§	
	§	
	§	

AGREED MOTION TO EXTEND
TIME TO FILE ANSWER

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Plaintiff Roy Le Desma and Defendants R.E. Massey Jr., Inc. and Roy E. Massey file this agreed motion to extend time to file answer and in support show this Court the following:

BACKGROUND

1. This case involves claims for unpaid overtime compensation and other relief asserted under the Fair Labor Standards Act. Plaintiff filed this suit on February 13, 2013. Defendants' answer is due to be filed on March 18, 2013.
2. Plaintiff and Defendants have engaged in vigorous settlement discussions, and have arrived at mutually agreeable settlement terms, and are now in the process of creating their final settlement documents.
3. Plaintiff and Defendants have agreed to extend the time for Defendants to file their answer to April 5, 2013. This extension is not sought solely for delay, but rather is sought in the interests of justice and to provide Plaintiff and Defendants an opportunity to settle this suit.

REQUEST FOR RELIEF

4. Plaintiff Roy Le Desma and Defendants R.E. Massey Jr., Inc. and Roy E. Massey respectfully request that the Court grant this agreed motion to extend time to answer and extend the time for the filing of Defendants answer to April 5, 2013.

Respectfully submitted,

/s/ R. Scott Cook

Russell Scott Cook

State Bar No. 24040724
scook@rcooklaw.com
Melissa Jacobs
State Bar No. 24046144
mjacobs@rcooklaw.com
The Cook Law Firm
919 Congress Avenue, Suite 1145
Austin, Texas 78701
Telephone: (512) 482-9556
Telecopier: (512) 597-3172
ATTORNEY FOR PLAINTIFF

/s/ Aaron Charles de la Garza

Aaron Charles de la Garza
State Bar No. 24028282
adelagarza@hcdlaw.com
Hill Ducloux Carnes & de la Garza
400 West 15th Street, Suite 808
Austin, Texas 78701
Telephone: (512) 474-7054
Telecopier: (512) 474-5605
ATTORNEY FOR DEFENDANTS